

STATUS OF CLAIMS

Claims 1 - 27 are pending.

Claims 1 - 27 stand rejected.

REMARKS

Applicant respectfully requests reconsideration of the subject application.

Double Patenting Rejections

Claims 1-27 stand rejected under the judicially created doctrine of obviousness-type double patenting over United States Patent No. 6,689,964 (the '964 Patent). Applicant traverses the assertion that a "spring" is the "recognized functional equivalent" of a "calibration plate", such that Claim 1 of the '964 patent and present Claim 1 are obvious variations. Applicant also traverses any assertion that the other pending claims "add trivial limitations", as this seems to present an improper "gist of the invention" rejection.

Nonetheless, solely for purposes of expediting prosecution of the present application, Applicant has included a terminal disclaimer over the '964 patent herewith to obviate these double patenting rejections over the '964 patent.

35 U.S.C. 102(b) Rejections

Claims 1-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kuroda (JP 56-151323). Applicant traverses these rejections for at least the following reasons.

35 U.S.C. 102(b) recites:

A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

Consistently, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See, M.P.E.P. §2131 citing Verdegaaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant submits Kuroda fails to teach each of the limitations of any of the pending claims, and hence fails to anticipate any of the pending claims.

For example, Claim 1 recites, in part, "[a] mechanical weighing scale comprising: ... a movable member associated with a plurality of openings; [and] ... a sensor arrangement for sensing the openings as the movable member moves in proportion to the sensed weight and generating a pulse for each of the openings sensed." Applicant submits Kuroda fails to teach such a member. In contrast, Kuroda instead teaches a marked section 23 is detected by a detecting device 24. *See, JP 356151323, Constitution*. Accordingly, Kuroda fails to teach "a movable member associated with a plurality of openings", no less "a sensor arrangement for sensing the openings as the movable member moves in proportion to the sensed weight and generating a pulse for each of the openings sensed" – as are both recited by Claim 1.

Accordingly, Applicant requests reconsideration and removal of the rejection of Claim 1. Applicant also requests reconsideration and removal of the rejections of

Claims 2-23 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 1.

Turning to Claim 24, it recites, in part, " [a] mechanical weighing scale comprising: ... a rack member having a plurality of openings; [and] a sensor arrangement for sensing the openings as the rack member moves in proportion to the sensed weight and generating a pulse for each of the openings sensed." Accordingly, Applicant requests reconsideration and removal of the rejection of Claim 24 for at least analogous reasons as those set forth above. Applicant requests reconsideration and removal of the rejections of Claims 25-27 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 24.

CONCLUSION

In view of the foregoing, Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



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